

BEFORE THE FLORIDA JUDICIAL QUALIFICATIONS COMMISSION

INQUIRY CONCERNING A  
JUDGE NO. 98-198

Supreme Court Case No. 01-1424

**MOTION TO DISMISS OR STRIKE AS REDUNDANT**  
**COUNT II OF THE AMENDED NOTICE OF FORMAL CHARGES**

COMES NOW the Respondent, Honorable Scott A. Kenney by and through the undersigned lawfirm of LYTAL, REITER, CLARK, FOUNTAIN & WILLIAMS, L.L.P. and moves to strike the allegations contained in Count II and as grounds therefore would state:

1. The allegations in Count II are duplicative and are cumulative of the alleged conduct contained in Count I. The Respondent's alleged failure to heed an alleged warning of Special Counsel or not continuing with a prescribed course of treatment is not a violation of any provision of the Judicial Code of Conduct. The allegation that 3 judges smelled alcohol on Respondent's breath has already been alleged in Count I and does not rise to a separate violation of the Judicial Code of Conduct.

I HEREBY CERTIFY that a true copy of the foregoing was mailed and sent via facsimile to Thomas C. MacDonald, Jr., Esquire, General Counsel for the

Florida Judicial Qualifications Commission, 100 N. Tampa Street, #2100, Tampa, FL and John R. Lawson, Jr., Esquire, Special Counsel for the Florida Judicial Qualifications Commission, P. O. Box 1100, Tampa, FL 33601, this \_\_\_\_ day of July, 2001.

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